

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

COOLTVNETWORK.COM, INC.,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 19-00291-LPS-JLH
v.	:	
	:	JURY TRIAL DEMANDED
BLACKBOARD INC.,	:	
	:	
Defendant.	:	

---

COOLTVNETWORK.COM, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 19-00292-LPS-JLH
	:	
FACEBOOK, INC.,	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	

---

COOLTVNETWORK.COM, INC.,	:	
	:	
Plaintiff,	:	C.A. No. 19-00293-LPS-JLH
	:	
v.	:	JURY TRIAL DEMANDED
	:	
INTERNATIONAL BUSINESS MACHINES CORPORATION,	:	
	:	
Defendant.	:	

---

---

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

KALTURA, INC.,

Defendant.

---

C.A. No. 19-00294-LPS-JLH

JURY TRIAL DEMANDED

---

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

LIMELIGHT NETWORKS, INC.,

Defendant.

---

C.A. No. 19-295-LPS-JLH

JURY TRIAL DEMANDED

---

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION

Defendant.

---

C.A. No. 19-296-LPS-JLH

JURY TRIAL DEMANDED

---

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

OOYALA, INC.,

Defendant.

---

C.A. No. 19-297-LPS-JLH

JURY TRIAL DEMANDED

---

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

SNAP, INC.,

Defendant.

---

:  
:  
:  
:  
: C.A. No. 19-534-LPS-JLH

:  
: JURY TRIAL DEMANDED  
:  
:  
:

---

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

TRAPELO CORP.,

Defendant.

---

:  
:  
:  
: C.A. No. 19-535-LPS-JLH

:  
: JURY TRIAL DEMANDED  
:  
:  
:

### **MOTION FOR LEAVE TO WITHDRAW AS COUNSEL**

Devlin Law Firm, LLC (“Movant”) hereby moves, pursuant to Rule 83.7 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware (“Local Rules”) for an Order in the form attached hereto granting leave to withdraw as counsel for Plaintiff CoolTVNetwork.com, Inc. (“Plaintiff”).

In support of its Motion, Movant respectfully states as follows:

#### **1. Procedural Background**

In these patent infringement cases, the original Complaints alleged infringement of U.S. Patent No. 7,162,696 (the “’696 Patent”). The parties exchanged contentions, and a claim construction hearing took place October 19, 2020. Fact discovery is ongoing, and does not close until January 28, 2022.

## **2. Legal Standards**

As the withdrawal of Movant will leave Plaintiff without counsel by a member of the Delaware Bar for a period of time, pursuant to Local Rule 83.7, the decision as to whether to allow Movant to withdraw is within the discretion of the Court. *See Sharp v. Verizon Del. Inc.*, No. 11-1209-RGA-CJB, 2012 U.S. Dist. LEXIS 179874, at \*4 (D. Del. Dec. 12, 2012). In the Third Circuit, there is no multi-factor test that a district court must apply to decide a motion for attorney withdrawal. *Ohntrup v. Makina Ve Kimya Endustrisi Kurumu*, 760 F.3d 290, 295 (3d. Cir. 2014) (“Rules regarding attorney withdrawal are necessarily general because of the context-laden nature of such determinations. The interests to be considered will vary widely from case to case.”).

Pursuant to Local Rule 83.7, Movant brings this Motion following the provision of the same to representatives of Plaintiff more than fourteen days ago (prior to the original *Markman* hearing).

## **3. Withdrawal Is Appropriate**

Pursuant to Rule 1.16(b)(4) of the Delaware Lawyer’s Rules of Professional Conduct, a lawyer may withdraw for good cause. *See* Del. Rules of Prof. Conduct 1.16(b)(7). In this case, Movant cannot continue representation of Plaintiff due to fundamental disagreements on how to continue representation.<sup>1</sup>

## **4. Notice Requirements Are Complete**

Pursuant to Local Rule 83.7, Movant served this motion on Plaintiff by certified mail addressed to Plaintiff’s last known address on October 16, 2020. A copy of the receipt confirming delivery is attached as Exhibit 1 to the Declaration of Timothy Devlin submitted in support of this

---

<sup>1</sup> In order to maintain attorney-client privilege, Movant has not provided additional details in this filing regarding their communications with Plaintiff. Should the Court request additional information, Movant stands ready to provide it *in camera* at the Court’s convenience.

Motion. Movant also provided an electronic copy by email, receipt of which was acknowledged by Plaintiff.

Movant conferred with counsel for Defendants pursuant to Delaware Local Rule 7.1.1 concerning this Motion. Defendants have indicated they do not oppose this Motion for Leave to Withdraw as Counsel, on the condition that the following additional language be inserted in the Proposed Order:

Plaintiff has thirty (30) days from the date of this Order to identify substitute counsel and enter an appearance on its behalf. If Plaintiff fails to have counsel enter an appearance within the thirty (30) days, the Court will consider Plaintiff in default and will consider motions for default judgment, dismissal with prejudice or other appropriate relief from the defendants.

Plaintiff CoolTVNetwork.com, Inc. does not oppose this Motion for Leave to Withdraw as Counsel, but has informed Movant that Plaintiff opposes Defendants' language within the Proposed Order.

Movant takes no position on Defendants' language in the Proposed Order.

Accordingly, Movant respectfully requests to be withdrawn as counsel for Plaintiff CoolTVNetwork.com, Inc. in this action.

Dated: November 2, 2020

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

Timothy Devlin (No. 4241)

1526 Gilpin Avenue

Wilmington, DE 19806

Phone: (302) 449-9010

tdevlin@devlinlawfirm.com

*Attorney for Plaintiff CoolTVNetwork.com, Inc.*

**7.1.1. CERTIFICATE OF CONFERENCE**

Plaintiff's counsel has conferred with counsel for Defendants, Defendants do not oppose Plaintiff's motion but have proposed additional language for the proposed, as noted in the Motion.

/s/ Timothy Devlin  
Timothy Devlin #4241

**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2020, I electronically filed the above document(s) with the Clerk of Court using CM/ECF, which will send electronic notification of such filing(s) to all registered counsel.

/s/ Timothy Devlin  
Timothy Devlin #4241